

August 4, 2004

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:05 p.m. on Wednesday, August 4, 2004, in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Faulk.

3. ROLL CALL

Present: Commissioners Drevno, Faulk, Horwich, LaBouff, Uchima and Chairperson Muratsuchi.

Absent: Commissioner Botello. (excused)

Also Present: Planning Manager Isomoto, Planning Assistant Santana, Building Regulations Administrator Segovia, Fire Marshal Fawcett, Associate Civil Engineer Symons, Sr. Planning Associate Chun and Deputy City Attorney Whitham.

4. POSTING OF THE AGENDA

MOTION: Commissioner Uchima, seconded by Commissioner Horwich, moved to accept and file the report of the secretary on the posting of the agenda for this meeting; voice vote reflected unanimous approval.

5. APPROVAL OF MINUTES

None.

6. REQUESTS FOR POSTPONEMENTS

Planning Manager Isomoto relayed the applicant's request to continue Item 7A (DVP04-00002, MOD04-00007: South Bay Chrysler Jeep Dodge) to August 18, 2004 and Item 8A (WAV04-00013: Manuel Romero) to October 6, 2004.

MOTION: Commissioner Horwich, seconded by Commissioner Drevno, moved to continue Item 7A to August 18, 2004 and Item 8A to October 6, 2004; voice vote reflected unanimous approval (absent Commissioner Botello).

Planning Manager Isomoto announced that the hearings on these items would not be re-advertised because they were continued to a date certain.

Chairperson Muratsuchi reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

7. CONTINUED HEARINGS

7A. DVP04-00002, MOD04-00007: SOUTH BAY CHRYSLER JEEP DODGE (PATICK WIRZ/ AHT ARCHITECTS)

Planning Commission consideration for approval of a Development Permit and a Modification of previously approved Conditional Use Permits (CUP72-1, CUP71-44) to allow the expansion and renovation of an existing automobile dealership on property located in the Hawthorne Boulevard Corridor Specific Plan Promenade Sub-district at 20433 Hawthorne Boulevard.

Continued to August 18, 2004.

8. WAIVERS

8A. WAV04-00013: MANUEL ROMERO (JOE GUTIERREZ)

Planning Commission consideration for approval of a Waiver to allow a reduction of the side yard setback requirement on property located in the R-1 Zone at 4834 Theo Avenue.

Continued to October 6, 2004.

9. HEARINGS

9A. CUP04-00023: DINA DUNCAN

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a dog kennel on property located in the M-2 Zone at 1879 Del Amo Boulevard.

Recommendation

Approval.

Planning Assistant Santana introduced the request.

Barry Segal, project architect, briefly described the proposed project. After receiving clarification regarding Condition No. 7 (requiring verification that the use will comply with the Torrance Noise Ordinance) and Condition No. 8 (requiring screening of mechanical equipment), he voiced his agreement with the recommended conditions of approval.

MOTION: Commissioner Drevno, seconded by Commissioner Horwich, moved to close the public hearing; voice vote reflected unanimous approval.

MOTION: Commissioner Faulk moved for the approval of CUP04-00023, as conditioned, including all findings of fact set forth by staff. The motion was seconded by

Commissioner Uchima and passed by unanimous roll call vote (absent Commissioner Botello).

Planning Assistant Santana read aloud the number and title of Planning Commission Resolution No. 04-095.

MOTION: Commissioner Horwich moved for the adoption of Planning Commission Resolution No. 04-095. The motion was seconded by Commissioner Drevno and passed by unanimous roll call vote (absent Commissioner Botello).

9B. CUP04-00024: HABIB NAEIM AND IKUKO KUMADA

Planning Commission consideration for approval of a Conditional Use Permit to allow a restaurant with beer and wine service in an existing retail space within the Plaza de Prado complex at 1231 Cabrillo Avenue, Suite 101, located in the Commercial Sector of the Downtown Development Project Area.

Recommendation

Approval.

Planning Assistant Santana introduced the request.

Sr. Planning Associate Chun provided background information about the site, noting that this space has been vacant since the complex was built. She stated that Redevelopment Agency staff support the proposed restaurant because they believe it will help bring people into the downtown area.

Habib Naeim, applicant, voiced his agreement with recommended conditions of approval.

Responding to questions from the Commission, Ikuko Kumada, applicant, reported that the restaurant will be open for lunch from 11:30 a.m. to 2:30 p.m. and dinner from 6:00 p.m. to 10:30 p.m. and that it will feature Japanese cuisine in a casual dining atmosphere.

MOTION: Commissioner Drevno, seconded by Commissioner Horwich, moved to close the public hearing; voice vote reflected unanimous approval.

MOTION: Commissioner Uchima moved for the approval of CUP04-00024, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Drevno and passed by unanimous roll call vote (absent Commissioner Botello).

Planning Assistant Santana read aloud the number and title of Planning Commission Resolution No. 04-096.

MOTION: Commissioner Uchima moved for the adoption of Planning Commission Resolution No. 04-096. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote (absent Commissioner Botello).

Chairperson Muratsuchi questioned why this space has been vacant for so long. Sr. Planning Associate Chun explained that it was originally designated for retail or office space but never attracted any interest for this type of use. She noted that a restaurant use requires additional parking, which the applicant has provided by leasing space in a nearby Redevelopment Agency-owned lot.

9C. CUP04-00025: PALOS VERDES PLAYERS (TERRY GEBHARD)

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a performance theater with the on-site sale of beer and wine on property located in the M1-PP Zone at 23510 Telo Avenue.

Recommendation

Approval.

Chairperson Muratsuchi indicated that he was acquainted with Terry Gebhard through his involvement with the Torrance Sister City program; Deputy City Attorney Whitham confirmed that Chairperson Muratsuchi could participate in this hearing as long as there was no financial involvement.

Planning Assistant Santana introduced the request.

Terry Gebhard, representing the Palos Verdes Players, explained that the theater group, which has been at its current location in Torrance since 1990, has lost its lease and would like to relocate at 23510 Telo Avenue. After receiving clarification regarding Condition No. 4 (requiring a queuing plan for those purchasing tickets to be submitted) and Condition No. 9 (requiring the applicant to provide noise attenuation information), he voiced his agreement with the recommended conditions of approval.

MOTION: Commissioner Horwich, seconded by Commissioner Drevno, moved to close the public hearing; voice vote reflected unanimous approval.

MOTION: Commissioner Uchima moved for the approval of CUP04-00025, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Botello).

Planning Assistant Santana read aloud the number and title of Planning Commission Resolution No. 04-097.

MOTION: Commissioner Uchima moved for the adoption of Planning Commission Resolution No. 04-097. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Botello).

Chairperson Muratsuchi questioned whether the group has considered changing its name to the Torrance Players. Mr. Gebhard stated that a change was unlikely because changing the name of a non-profit charter is tedious although there has been discussion of modifying its name to "Palos Verdes Players in Torrance."

9D. EAS04-00004, ZON04-00004, CUP04-00016, DVP04-00004: SOUTH BAY LEXUS / CITY OF TORRANCE

Planning Commission consideration for adoption of a Negative Declaration, and approval of a Zone Change from Hawthorne Boulevard Corridor Specific Plan H/PCH Sub-district to Hawthorne Boulevard Corridor Specific Plan MP Sub-district, for properties located at 24000-24004 Neece Avenue and 24007-24043 Hawthorne Boulevard, and approval of a Conditional Use Permit and a Development Permit to allow the construction and operation of an automobile dealership on property located in the Hawthorne Boulevard Corridor Specific Plan, H/PCH Sub-district at 24021 Hawthorne Boulevard.

Recommendation

Denial.

Planning Assistant Santana introduced the request.

Bill Applegate, representing South Bay Lexus, briefly described the proposed automobile dealership, which includes 9 service bays, a tools/parts room, a showroom, 6 offices, and ancillary rooms for employee use and training. He explained that the facility would augment the dealership's location on Pacific Coast Highway, which has been very successful but does not meet Lexus standards. He reported that vehicles will be shuttled by porters to this location for service and then returned to the Pacific Coast Highway location for customer pick-up and that this location also will offer pre-owned vehicles for sale. He maintained that the proposed Zone Change was consistent with the General Plan and adjacent uses and pointed out that the Initial Study confirms that the project would not have a significant impact on the environment. He voiced his agreement with the 26 recommended conditions of approval listed in the staff report.

In response to Commissioner Horwich's inquiry, Mr. Applegate confirmed that the project meets parking requirements for employees and customers.

Robert Palonis, 24001 Neece Avenue, stated that he enthusiastically supports the proposed project because he believes it will greatly enhance the property, which has become somewhat rundown.

William Beverly, 3424 Carson Street, legal counsel for the owner of Kentucky Fried Chicken (KFC), 3777 Pacific Coast Highway, stated that his client objects to the project because it would interfere with the on-site circulation of his property. He explained that the subject property and the properties at 24043 Pacific Coast Highway and 3777 Pacific Coast Highway were originally under common ownership and developed with reciprocal easements on the leases to facilitate circulation and ingress/egress. He noted that the proposed project would make it impossible for KFC's customers to exit onto Neece Avenue, which means that someone entering the parking lot when the lot is full would have to back out onto Pacific Coast Highway thereby creating a traffic hazard. He also expressed concerns that the project could interfere with access for emergency vehicles and create parking problems in the vicinity.

Dina Duncan, 1331 233rd Street, voiced her opposition to the proposed Lexus dealership, stating that she and her son greatly enjoy dining at the Carrow's Restaurant currently on the site.

Returning to the podium, Mr. Applegate reported that Carrow's had the option of purchasing the property three years ago and chose not to do so and the restaurant has been on a month-to-month lease since that time. With regard to KFC's property, he explained that while KFC would like to retain the cross access they currently enjoy, they have no legal right to this access and the owner was served with legal notice to this effect in September of 2002. He noted that should Mr. Beverly's client wish to dispute this fact, the appropriate venue would be a court of law.

Responding to Commissioner Uchima's inquiry, Mr. Applegate confirmed that there are no recorded easements on the subject property.

Commissioner Horwich stated that he thought the dealership would be a significant improvement, but was concerned that the KFC property would require significant remodeling in order to function should the cross access be eliminated.

Returning to the podium, Mr. Beverly explained that blocking off this access would interfere with the flow of traffic, necessitate the relocation of the trash enclosure, and require the building to be pushed back. He stated that he agreed that it was not the Commission's job to adjudicate legal issues, however, the City must look at transportation, safety and environmental issues when considering projects and approving this project without requiring a cross access agreement would create a giant traffic problem at one of the busiest corners in Torrance.

In response to Chairperson Muratsuchi's inquiry, Mr. Beverly confirmed that the elimination of egress to Neece Avenue was his client's main objection to the project.

Chairperson Muratsuchi asked about the rationale for excluding auto dealerships from the Hawthorne Boulevard Corridor Specific Plan Zone – Hawthorne/Pacific Coast Highway Sub-district. Planning Manager Isomoto related her understanding that those who formulated the plan did not want to see another used car lot such as the one that was located on the corner of PCH and Hawthorne at the time the specific plan was adopted and that the vacant car wash across the street and the U-Haul business on the other corner also contributed to this decision. She noted that another concern was traffic problems associated with large car carriers, however, that was less of an issue with a dealership selling pre-owned vehicles.

Planning Manager Isomoto advised that should the Commission decide to approve the project, staff was recommending that the boundary of the Meadow Park Sub-district be moved to the south to encompass the subject property and four other properties so the use would be consistent with the zoning.

Commissioner Faulk noted that the staff report also mentions the small lot sizes in this area as a reason for not allowing auto dealerships. He pointed out that while this proposal involves the sale of pre-owned vehicles, there was nothing to preclude the sale of new vehicles at this location in the future, which would involve deliveries by large car carriers.

Planning Manager Isomoto noted that the subject lot is the largest in the sub-district.

A brief discussion ensued regarding the possibility of including a condition prohibiting the use of car carriers on this site.

Mr. Applegate stated that the applicant does not intend to bring car carriers onto the site and would have no objection to such a condition, but noted that the site was designed to accommodate a car carrier or a large fire truck.

Chairperson Muratsuchi stated even though there appears to be no easements or other legal vehicle that would require the applicant to provide egress for KFC, he believed existing land uses should be accommodated as much as possible when a proposal includes a Zone Change. He questioned whether South Bay Lexus was willing to make any accommodations.

Mr. Applegate noted that the applicant could close off the access at any time regardless of whether this project goes forward. He explained that the owner of the KFC property bought it after the applicant purchased the subject lot; that he was fully aware that his purchase did not include a cross access easement; and that he was now trying to gain something he did not pay for.

Commissioner Drevno questioned whether there was room on the KFC property to build a driveway onto Neece. After reviewing an aerial photograph of the site, Planning Manager Isomoto estimated that there was 15 to 18 feet between the corner of the building and the property line, which would allow for a 12-foot driveway.

Responding to questions from the Commission, Planning Manager Isomoto provided clarification regarding the properties that would be included in the Zone Change, noting that the two residential lots would remain legal non-conforming uses.

MOTION: Commissioner Drevno, seconded by Commissioner Horwich, moved to close the public hearing; voice vote reflected unanimous approval.

Chairperson Muratsuchi indicated that he would support the project because it would significantly improve the site and he was satisfied that the KFC property owner knew or should have known when he purchased the property that it did not include an easement for an egress onto Neece Avenue.

Commissioner Uchima voiced his opinion that having an attractive dealership on this site would benefit the City, noting that it was consistent with surrounding automotive uses. He pointed out that the adjacent property owner's objection to the project was confined to the loss of egress onto Neece Avenue and the Commission has no control over this type of property dispute. He expressed doubts about the viability of the Carrow's Restaurant at this location due to their decision not to purchase the property and suggested that the Lexus dealership was preferable to a "mom-and-pop" type restaurant that would likely take over this location should Carrow's close.

Commissioner Drevno voiced support for the project.

MOTION: Commissioner Uchima moved to recommend the adoption of a Negative Declaration. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Botello).

MOTION: Commissioner Uchima moved to recommend approval of ZON04-00004. The motion was seconded by Commissioner Drevno and passed by a 5-1 roll call vote, with Commissioner Faulk dissenting (absent Commissioner Botello).

MOTION: Commissioner Uchima moved for the approval of CUP04-00016, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Drevno and passed by a 5-1 roll call vote, with Commissioner Faulk dissenting (absent Commissioner Botello).

MOTION: Commissioner Uchima moved for the approval of DVP04-00004. The motion was seconded by Commissioner Drevno and passed by a 5-1 roll call vote, with Commissioner Faulk dissenting (absent Commissioner Botello).

Planning Manager Isomoto advised that the resolutions would be brought back for the Commission's approval at the next meeting.

Commenting on his vote, Commissioner Horwich stated that he believes this project will be a vast improvement over what is currently on this site and while he empathizes with KFC's owner about the loss of egress, that issue must be addressed separately in another venue.

10. RESOLUTIONS

None.

11. PUBLIC WORKSHOP ITEMS

None.

12. MISCELLANEOUS ITEMS

None.

13. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS

Planning Manager Isomoto reviewed recent City Council action on Planning matters, noting that the condominium project on the former site of the Vagabond Motel was considered at the July 27 Council meeting and the developer requested a continuance to August 24 to allow for some redesigning of the project.

14. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Isomoto reviewed the agenda for the Planning Commission meeting of August 18, 2004.

15. ORAL COMMUNICATIONS

15A. Following a brief discussion, Commissioner Uchima, seconded by Commissioner Fauk, moved to cancel the Planning Commission meeting of September 1, 2004; voice vote reflected unanimous approval (absent Commissioner Botello).

15B. In response to Commissioner Uchima's inquiry, Planning Manager Isomoto provided an update on the Mills Corporation project at Del Amo Fashion Center.

15C. Referring to a report from the League of Women Voters on multi-family housing, Chairperson Muratsuchi clarified that although he is on the Board of Directors of this organization, he had no part in the study, conclusions or recommendations outlined in this report.

16. ADJOURNMENT

At 8:55 p.m., the meeting was adjourned to Wednesday, August 18, 2004, at 7:00 p.m.

Approved as Written September 15, 2004 s/ Sue Herbers, City Clerk
